

THE LIVING APPLICATION OF QUR'ANIC LEGAL NORMS IN THE INDONESIAN LEGAL SYSTEM: A SYSTEMATIC REVIEW OF AYAT AL-AḤKĀM

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ABSTRACT

This article systematically examines how Qur'anic legal verses (ayat al-aḥkām) have been implemented in Indonesia's formal legal system between 2010 and 2024. Using a Systematic Literature Review (SLR) approach guided by the PRISMA 2020 protocol, nine peer-reviewed journal articles were selected from seven academic databases. The findings indicate that the legislative reception of ayat al-aḥkām varies significantly across legal domains. Economic law shows the most structured integration, with verses on zakat, riba, and halal consumption codified through clear statutory instruments and supported by functional institutions. In contrast, criminal law provisions—such as hand-amputation and public lashing—face hermeneutic reinterpretation and procedural constraints, limiting their operational impact. Family law demonstrates interpretive adaptability, where issues like polygamy and inheritance are mediated through maqāṣid-oriented readings and legal safeguards. Rather than static injunctions, these verses exhibit a living character—negotiated, reinterpreted, and embodied within contemporary legal and institutional settings. Across domains, Qur'anic legal norms “live” through contextual engagement with doctrinal consensus, institutional readiness, and political feasibility. These findings reaffirm Indonesia's dynamic and negotiated approach to Islamic legal integration, suggesting that future Qur'an-based legislation will depend as much on contextual alignment as on textual authority.

Keywords: *ayat al-aḥkām, Islamic law, Qur'anic legislation, Indonesian*

ABSTRAK

Artikel ini mengkaji secara sistematis bagaimana ayat-ayat hukum dalam Al-Qur'an (ayat al-aḥkām) dihidupkan dan dinegosiasikan dalam sistem hukum formal Indonesia sepanjang tahun 2010 hingga 2024. Dengan pendekatan Systematic Literature Review (SLR) yang mengikuti protokol PRISMA 2020, sebanyak sembilan artikel jurnal ilmiah bereputasi dipilih dari tujuh basis data akademik terkemuka. Hasil kajian menunjukkan bahwa penerimaan legislasi terhadap ayat al-aḥkām sangat beragam tergantung pada bidang hukumnya. Bidang hukum ekonomi menunjukkan pola integrasi yang paling terstruktur, dengan ayat-ayat tentang zakat, riba, dan konsumsi halal telah dikodifikasi melalui instrumen hukum yang jelas dan didukung oleh kelembagaan yang fungsional. Sebaliknya, hukum pidana menghadapi tantangan interpretatif dan administratif, sehingga ayat-ayat seperti potong tangan dan cambuk publik lebih banyak mengalami penyesuaian makna atau hambatan penerapan. Di sisi lain, hukum keluarga menunjukkan fleksibilitas hermeneutik, di mana isu-isu seperti poligami dan warisan dimediasi melalui pendekatan maqāṣid dan pengamanan prosedural. Alih-alih dipahami sebagai teks beku, ayat-ayat ini tampil sebagai norma hidup—ditafsirkan ulang dan direalisasikan dalam ruang-ruang sosial hukum kontemporer. Secara umum, norma-norma Qur'ani menjalani proses aktualisasi melalui konsensus ulama, kesiapan kelembagaan, dan realitas politik yang berkembang. Temuan ini menegaskan bahwa integrasi hukum Islam di Indonesia berlangsung melalui pola “living

legislation” yang selektif dan adaptif, dan bahwa keberhasilan legislasi Qur’ani ke depan bergantung tidak hanya pada kekuatan teks, tetapi juga pada konteks dan aktor sosial yang memfasilitasi penerjemahannya ke dalam hukum positif.

Kata Kunci: *Ayat al-aḥkām, Hukum Islam, Legislasi syariah, Indonesia*

A. Introduction

The integration of Islamic values into Indonesia’s national legal system has undergone a complex transformation since the Reformasi era, particularly in efforts to formalize Qur’anic norms through state legislation.¹ Among the various components of Islamic teachings, legal verses—known as *ayat al-aḥkām*—occupy a central position due to their direct engagement with penal codes, family law, economic principles, and social order.² Scholarly estimates suggest that between 200 and 500 Qur’anic verses contain normative-legal content.³ However, these verses are not automatically translatable into Indonesia’s positive legal framework. This raises an essential question: how are these verses interpreted, negotiated, and embodied within Indonesia’s evolving legal context?

In contemporary scholarship, there is a growing recognition that Qur’anic norms are not static prescriptions but dynamic references that derive meaning through lived social practice. The concept of the Qur’an as a “living text” suggests that its legal content—particularly *ayat al-aḥkām*—is shaped through interpretive dialogue between scriptural authority, socio-political realities, and institutional frameworks. Thus, *implementation* in this context should be understood not as direct enforcement of scriptural commands, but as a process of contextual realization—a continual translation of divine guidance into viable and legitimate legal instruments.

The post-Reformasi period has been marked by a significant expansion of Islamic expression in the public sphere.⁴ This shift is reflected in a series of religiously inspired laws,

¹ Yohana Oktaviani Lavan, ‘IMPLEMENTATION OF ISLAMIC VALUES IN INDONESIAN POLITICAL DYNAMICS’, *Intelegensia: Jurnal Pendidikan Islam*, 9.1 (2021), pp. 53–66, doi:10.34001/intelegensia.v9i1.2042; Ainun Najib, ‘Legislasi Hukum Islam Dalam Sistem Hukum Nasional’, *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 4.2 (2020), pp. 116–26, doi:10.35316/istidlal.v4i2.267; Badruddin Badruddin and Aditya Prastian Supriyadi, ‘Dinamika Hukum Islam Indonesia: Reaktualisasi Norma Islam Dalam Menalarkan Hukum Positif Merespon Sosio-Kultural Era Kontemporer’, *De Jure: Jurnal Hukum Dan Syar’iah*, 14.1 (2022), pp. 38–57, doi:10.18860/j-fsh.v14i1.15512.

² Muh. Fathoni Hasyim, *Tafsir Ayat-Ayat Ahkam-Pidana* (Kanzum Books, 2020).

³ Rossi Handayani, ‘Berapa Jumlah Ayat-Ayat Hukum Dalam Alquran?’, *Republika Online*, 2021 <https://islamdigest.republika.co.id/berita/qp70yu320/berapa-jumlah-ayatayat-hukum-dalam-alquran?utm_source=chatgpt.com>; KonsultasiSyariah, ‘Ayat-Ayat Hukum Dalam Al-Quran - KonsultasiSyariah.In’, *KonsultasiSyariah.In*, 2016 <<https://www.konsultasisyariah.in/2016/07/ayat-ayat-hukum-dalam-al-quran.html>>; Syafril, ‘Tafsir Ahkam Dan Sejarah Perkembangannya’, *Syahadah*, 10.1 (2022), pp. 1–33 <<https://ejournal.fiaiunisi.ac.id/index.php/syahadah/article/view/551>>.

⁴ Masykuri Abdillah, ‘Islam and Democracy: The Case of the Early Reform Era’, *JURNAL INDO-ISLAMIKA*, 14.2 (2024), pp. 357–76, doi:10.15408/JII.V14I2.43764; Alexander R. Arifianto, ‘Rising Islamism and the Struggle for Islamic Authority in Post-Reformasi Indonesia’, *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 8.1 (2020), pp. 37–50, doi:10.1017/trn.2019.10; Kiki Mikail and Jeniwaty Moh Jody, ‘Evolving Dynamics of Civil Islam in Post-Reformation Indonesia: Balancing Democratic Aspirations and State Authority’, *MUHARRIK: Jurnal Dakwah Dan Sosial*, 7.1 (2024), pp. 123–31, doi:10.37680/muharrik.v7i1.6132.

such as Law No. 21/2008 on Islamic Banking, Law No. 33/2014 on Halal Product Assurance, and Aceh's *Qanun Jinayat*, which incorporates elements of Islamic criminal law. These developments indicate that the state has, at times, responded to Muslim societal demands by incorporating Islamic principles into national legislation. Yet, the process of institutionalizing *ayat al-ahkām* remains partial and selective. Many verses have been adapted through contextual reinterpretation, demonstrating how Qur'anic authority is not only preserved through textual fidelity, but also actualized through responsiveness to plural legal and ethical norms.

Existing literature demonstrates a growing academic interest in the implementation of *ayat al-ahkām*, although most analyses remain thematic and fragmented. For instance, Siregar⁵ examined the dynamics of Islamic law enforcement in Aceh through the lens of national legal principles, while Hanum⁶ assessed the constitutionality of Islamic regional regulations. Other studies have explored institutional mechanisms, such as the role of Islamic banking fatwas⁷, the state's zakat governance through Law No. 23/2011,⁸ and family law issues like polygamy within the framework of *maqāṣid al-sharī'ah*⁹ or inheritance reform.¹⁰ Islamic criminal law has also been the focus of research on caning in Aceh¹¹ and hand-amputation for corruption.¹² In the economic realm, studies have reviewed the effectiveness of halal product certification¹³ and the role of socio-religious norms in family court decisions.¹⁴

⁵ 'Islamic Law in a National Legal System: A Study on the Implementation of Shari'ah in Aceh, Indonesia', *Asian Journal of Comparative Law*, 3 (2008), doi:10.1017/s2194607800000156.

⁶ 'Perda Syariah Perspektif Ketatanegaraan Dan Siyasah Dusturiyyah', *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 4.2 (2019), doi:10.22515/alahkam.v4i2.1530.

⁷ Muhammad Yasir Yusuf, 'Dinamika Fatwa Bunga Bank Di Indonesia: Kajian Terhadap Fatwa MUI, Muhammadiyah Dan Nahdhatul Ulama', *Media Syari'ah : Wahana Kajian Hukum Islam Dan Pranata Sosial*, 14.2 (2012), p. 151, doi:10.22373/jms.v14i2.1872.

⁸ Budi Rahmat Hakim, 'ANALISIS TERHADAP UNDANG-UNDANG NOMOR 23 TAHUN 2011 TENTANG PENGELOLAAN ZAKAT (PERSPEKTIF HUKUM ISLAM)', *Syariah Jurnal Hukum Dan Pemikiran*, 15.2 (2016), doi:10.18592/syariah.v15i2.552.

⁹ Shafra Shafra and others, 'Restricting Unregistered Polygamy: Protecting Women's Rights within the Framework of Maqasid Shariah', in *ICSIS Proceedings* (Doctoral Programme in Sharia Science in Islamic Law at State Islamic University Sjech M. Djamil Djambek Bukittinggi, 2024) <<https://icsisproceedings.org/index.php/icsis/article/view/10>>.

¹⁰ Mappasessu Mappasessu, *Rekonstruksi Metodologi Instinbat Hukum Terhadap Hukum Kewarisan Di Indonesia* (PT. Mafy Media Literasi Indonesia, 2025).

¹¹ Ayang Utriza, 'The Implementation of Sharia in Aceh as Based on the Code Extant in the Sultanate of Aceh from 1516-1688', *Studia Islamika: Indonesian Journal for Islamic Studies*, 14.3 (2007); Muhibbuthabary and others, 'The Implementation of The Caning Law in Aceh Following The Enactment of The Aceh Qanun Number 6 Of 2014 Concerning The Jinayat Law: Is It More Effective?', *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH*, 8.2 (2023), doi:10.22373/petita.v8i2.210.

¹² Firqah Annajiyah Mansyuroh, 'Hukum Potong Tangan Bagi Koruptor (Kajian Ahkam Surah Al-Maidah Ayat 38)', *Dialogia*, 17.1 (2019), pp. 41–60, doi:10.21154/dialogia.v17i1.1407; Siti Khodijah, 'Hukum Potong Tangan Dan Pemberlakuanannya Di Indonesia' (UIN Syarif Hidayatullah, 2015) <<https://repository.uinjkt.ac.id/dspace/handle/123456789/30251>>.

¹³ Andriani Fitri Rukoyah and Diyan Putri Ayu, 'Implementasi UU Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Pada Produk Makanan Industri Kecil Menengah Di Desa Ploso Kabupaten Pacitan', *Journal of Sharia Economic Law*, 1.1 (2023), pp. 43–52, doi:10.37680/jshel.v1i1.2324.

¹⁴ Ince Aprianti, St. Hadijah Wahid, and Resky Wahyuni, 'IMPLEMENTASI HUKUM ISLAM DALAM KEPUTUSAN PENGADILAN AGAMA DALAM KONTEKS SOSIAL BUDAYA', *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam*, 6.1 (2024), pp. 69–81, doi:10.47435/al-ahkam.v6i1.2451.

Despite the valuable contributions of these studies, a systematic synthesis is lacking—particularly one that traces overarching scholarly trends, key findings, and epistemological orientations in the formalization of Qur'anic injunctions within Indonesia's legal system. More importantly, little attention has been given to how these verses 'live'—that is, how they are continuously interpreted, localized, contested, and institutionalized in context-specific ways. This gap is especially critical given the rise of Islamic-based regulations and academic publications in the past decade. Addressing this lacuna, the present study offers a Living Qur'an-oriented Systematic Literature Review (SLR) of peer-reviewed academic articles published between 2010 and 2024 that explicitly or implicitly address the implementation of *ayat al-ahkām* in Indonesian legislation. The objectives are threefold: (1) to synthesize academic trends in the integration of Qur'anic norms into formal law; (2) to identify dominant themes, frequently cited verses, and the types of regulation involved; and (3) to explore how Qur'anic legal principles are negotiated, adapted, and brought to life within Indonesia's pluralistic legal environment.

The SLR method employed in this study follows a structured, transparent, and replicable process in accordance with the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) 2020 guidelines.¹⁵ Literature was sourced from seven reputable academic databases known for their relevance to Islamic legal and regulatory studies: Scopus, Google Scholar, Moraref (Ministry of Religious Affairs), Garuda Ristekbrin, DOAJ, Dimensions.ai, and Crossref. Searches were conducted between April and May 2025, focusing exclusively on peer-reviewed articles published within the 2010–2024 period.

The search strategy employed both Indonesian and English keywords using Boolean logic to ensure a wide retrieval scope. Primary terms included “*ayat ahkam*,” “*ayat hukum*,” “Qur'anic legal verses,” and “Qur'anic injunctions,” combined with phrases such as “*perundang-undangan*,” “UU,” “qanun,” “fatwa MUI,” “Islamic legislation,” and “Indonesia.” Supplementary terms like “Islamic jurisprudence” and “Qur'anic verses and law/policy” were also used. To ensure thematic relevance and academic rigor, inclusion criteria were strictly defined. Eligible articles had to: (1) be peer-reviewed journal publications; (2) be published between 2010 and 2024; (3) be written in either Indonesian or English; (4) explicitly or implicitly reference at least one Qur'anic verse (with chapter and verse number); and (5) address the verse's application in formal Indonesian regulation—be it national statutes, regional *qanun*, or MUI *fatwa*. Articles focusing only on general Islamic law, popular opinion pieces, sermons, blogs, or student theses were excluded due to the lack of formal peer-review.

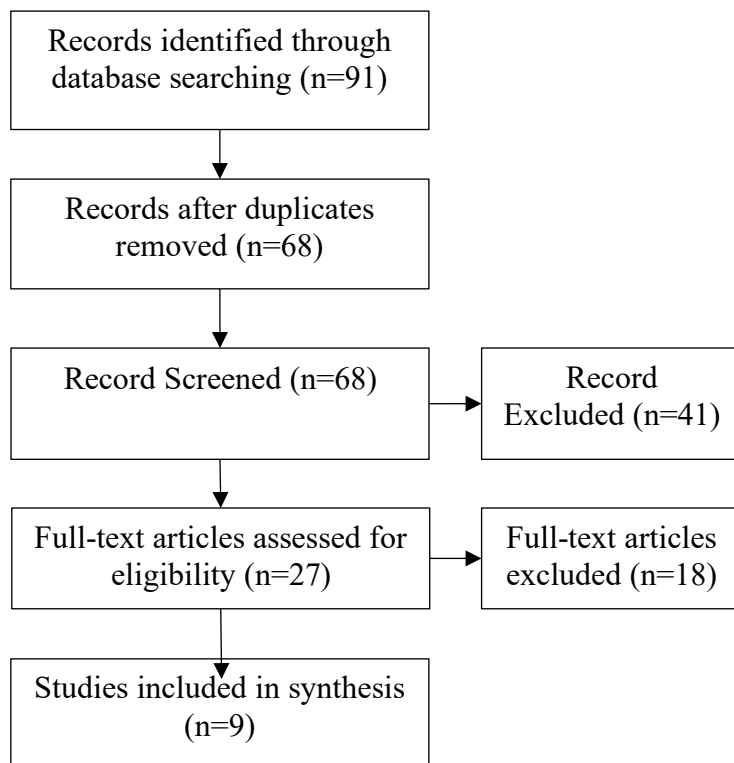
From an initial pool of 91 articles, duplicates were removed, and two stages of screening followed. The first assessed titles and abstracts for thematic fit; the second reviewed full texts for compliance with all criteria. The selection process is presented in a

¹⁵ Matthew J Page and others, ‘The PRISMA 2020 Statement: An Updated Guideline for Reporting Systematic Reviews’, *BMJ*, 2021, p. n71, doi:10.1136/bmj.n71; Debajyoti Pati and Lesa N. Lorusso, ‘How to Write a Systematic Review of the Literature’, *HERD: Health Environments Research & Design Journal*, 11.1 (2018), pp. 15–30, doi:10.1177/1937586717747384; Mark Petticrew and Helen Roberts, *Systematic Reviews in the Social Sciences: A Practical Guide* (Blackwell Publishing, 2006).

PRISMA flowchart, illustrating the stages of identification, screening, eligibility assessment, and final inclusion. This process yielded nine peer-reviewed articles for full analysis. Each selected article was systematically extracted for metadata including: title, author, publication year and journal, referenced verse(s), type of regulation, legal domain (e.g., economic, criminal, or family law), methodological approach, key findings, and DOI or access link. The data were then thematically analyzed using a qualitative synthesis approach, focusing on recurring themes, citation patterns, legal domains, and applied methodologies—whether normative, exegetical, juridical, or sociological. The analysis pays special attention to how Qur'anic norms are not only cited but interpreted, transformed, and enacted in ways that reflect both textual tradition and societal context.

The full selection process is summarized in the PRISMA 2020 flow diagram below, outlining the four key phases: identification, screening, eligibility, and final inclusion. This visual representation provides a transparent overview of how the final corpus of nine peer-reviewed articles was determined from an initial pool of 91 records.

Figure 1. PRISMA Flow



B. Result and Discussion

1. General Description and Trends in Qur'anic Norm Application

This review reveals a growing scholarly interest in the implementation of Qur'anic legal verses (ayat al-aḥkām) within Indonesia's legal framework—not merely as textual incorporation, but as part of a broader cultural and interpretive engagement with the Qur'an as a living source of normative guidance. While legislative interest in Qur'anic injunctions has been evident since the early Reformasi era, a more sustained and nuanced academic

exploration began to emerge only after 2015. This shift corresponds with key policy developments such as the enactment of Law No. 33/2014 on Halal Product Assurance and Aceh's Qanun Jināyat No. 6/2014, both of which invited deeper public and scholarly engagement with Qur'anic-derived regulations.

The nine peer-reviewed articles included in this review are distributed across three main legal domains: economic law (four articles), family law (three articles), and criminal law (two articles). The economic sector appears to offer the most receptive institutional context for formalizing Qur'anic norms, largely due to its relative alignment with market structures and bureaucratic mechanisms. By contrast, criminal law applications tend to be more symbolically charged and procedurally constrained, while family law demonstrates interpretive dynamism—balancing scriptural principles with evolving social ethics.

This pattern supports the thesis that Qur'anic legal norms, when engaged as living discursive frameworks rather than rigid legal commands, find more sustainable accommodation within Indonesia's pluralistic legal culture. Scholars and policymakers are not merely importing verses into legal texts; they are actively interpreting, contextualizing, and negotiating these verses within dynamic fields of political, institutional, and social meaning. The following table summarizes the articles included in this systematic review:

Table 1. Corpus of Peer-Reviewed Articles (2010–2024)

Title	Author(s)	Year	Legal Field
The Implementation of the Caning Law in Aceh Following the Enactment of Qanun No. 6/2014	Muhibbuthabary et al.	2023	Criminal
Hukum Potong Tangan bagi Koruptor	F. A. Mansyuroh	2019	Criminal
Analisis UU 23/2011 tentang Pengelolaan Zakat	Budi R. Hakim	2016	Economic
Dinamika Fatwa Bunga Bank di Indonesia	M. Y. Yusuf	2012	Economic
Regulating Halal Products in Indonesia: Between Religious Needs and Socio-Economic Challenges	H. Susetyo et al.	2019	Economic
Implementation of the Halal Product Guarantee Law in Indonesia...	Lukmanul Hakim & Aisyah K. N. P.	2022	Economic
Poligami dalam Al-Qur'an dan Konsep Maqāṣid Syarī'ah Ibnu 'Āsyūr	Lira Erlina	2019	Family
The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation	M. M. Huda & T. W. Hidayati	2023	Family
Formulation of Criminal Policy on Sexual-Violence Rehabilitation Based on Family Therapy with Maqāṣid al-Sharī'ah Principles	I. Kamalludin & B. P. Nunna	2024	Family

Source: *Compiled by the author based on PRISMA-based selection (2010–2024)*

These studies show that the integration of Qur'anic legal verses in Indonesia is best understood not through the lens of scriptural absolutism, but through a dynamic interplay between revelation and lived realities—a core tenet of the Living Qur'an paradigm. This

approach highlights not only the legal but also the ethical, institutional, and sociocultural layers involved in contemporary engagements with divine norms.

2. Legislating Qur'anic Economic Norms: Zakat and Halal Products in Indonesia's Positive Law

The four articles categorized under economic law in this review offer the clearest illustration of how Qur'anic economic injunctions—particularly those concerning *zakat*, *riba*, and halal consumption—have transitioned from scriptural principles to formal state legislation. This transformation reveals a layered process, wherein religious doctrine, legal interpretation, state policy, and administrative infrastructure converge to shape enforceable norms within Indonesia's pluralistic legal framework.

Hakim's analysis of Law No. 23/2011 demonstrates how the regulation broadens the conventional definition of *zakat*, extending its application to modern financial assets and institutionalizing its management under national bodies such as BAZNAS and licensed zakat institutions (LAZ). The law's emphasis on "productive utilization" of zakat funds resonates with contemporary fiqh scholars—such as al-Qaradāwī—who advocate for zakat to be used as a tool for systemic poverty alleviation.¹⁶ However, despite this progressive legislative design, the absence of binding enforcement mechanisms renders zakat contributions voluntary. In practical terms, this positions zakat as a moral-religious obligation rather than a legally sanctioned levy, underscoring the state's sensitivity to Indonesia's plural legal and religious landscape.

In contrast, the prohibition of *riba* in banking law followed a different trajectory—beginning not with legislation, but with a powerful religious fatwa. Yusuf's study traces the pivotal role of the 2004 fatwa issued by the Indonesian Ulema Council (MUI), which declared bank interest as *haram*. This declaration was followed by fatwas from Muhammadiyah (2006) and NU, consolidating a cross-organizational consensus that elevated the religious urgency of Islamic banking. Empirical data show that the fatwa had immediate market impact: sharia-compliant deposits rose significantly following its issuance. This clerical consensus later paved the way for the passage of Law No. 21/2008 on Islamic banking, illustrating how non-state religious authority can prefigure and legitimize state action—effectively translating theological imperatives into legal mandates.¹⁷

The implementation of halal product regulation represents a more recent and structurally robust example of Qur'anic norm formalization. Susetyo and colleagues analyze Law No. 33/2014, which shifts halal certification from a voluntary practice to a mandatory legal requirement. The law also established the Halal Product Assurance Agency (BPJPH) under the Ministry of Religious Affairs, granting it extensive regulatory powers. Supporting regulations such as Government Regulation No. 31/2019 define the operational relationship between BPJPH, Halal Inspection Bodies (LPH), and MUI, the latter maintaining exclusive authority to issue halal *fatwas*.¹⁸ While this framework demonstrates administrative coherence, Lukmanul Hakim and Putri's case study of small and medium enterprises (SMEs)

¹⁶ Hakim.

¹⁷ Yusuf.

¹⁸ Heru Susetyo and others, 'Regulating Halal Products in Indonesia: Between Religious Needs and Socio-Economic Challenges', *Mazahib*, 2019, pp. 1–43, doi:10.21093/mj.v18i1.1372.

in Bima reveals persistent obstacles. Entrepreneurs often cite high costs, complex documentation, and limited access to certification services as major barriers to compliance—despite local government subsidies and training programs.¹⁹

Collectively, these four studies reveal that the integration of Qur'anic economic norms into Indonesia's legal system follows a selective yet structured pathway. Doctrinal consensus, political will, and administrative capacity play decisive roles in determining the extent to which scriptural principles can be translated into enforceable regulations. The case of *zakat* demonstrates doctrinal clarity but limited legal coercion; *riba* prohibition exemplifies clerical leadership that precedes state legislation; and halal regulation showcases comprehensive legal codification accompanied by real-world implementation challenges. This pattern suggests that economic law provides a relatively stable terrain for Qur'anic norm integration, owing to its alignment with institutional mandates, market incentives, and broader public acceptability. In contrast to the contested and symbolic nature of Qur'anic criminal provisions, the economic sector illustrates how Islamic ethics can be actualized within legal structures without generating widespread resistance. As such, it offers a pragmatic model for future initiatives seeking to integrate religious values within Indonesia's democratic and religiously diverse legal order.

3. Enforcing Penal Verses: Aceh's *Qanun Jināyat* and the Recasting of Islamic Punishment

Compared to the structured pathway of economic norms, the implementation of Qur'anic penal verses—particularly those traditionally associated with *hudūd* and *ta'zīr*—remains deeply contested. The two studies within this cluster focus on the most symbolically charged provisions: hand-amputation (QS al-Mā'idah 5:38) and public lashing (QS an-Nūr 24:2). These verses invite not only legal scrutiny but also ethical reflection, as their application in Indonesia demands a negotiation between sacred text, constitutional order, and community realities.

Mansyuroh's normative-legal study examines the proposition of applying hand-amputation as punishment for corruption. Returning to classical *tafsīr* and legal traditions, she finds that the Qur'anic conditions for *ḥadd al-sāriq*—including the requirement that theft occur from protected property (*ḥirz*), meet a minimum threshold (*niṣāb*), and be proven by specific forms of testimony—are incompatible with the nature of modern corruption, which more closely aligns with *amānah* (breach of trust). Consequently, the author argues that the punishment should be addressed through *ta'zīr*, allowing for discretionary sanctions such as imprisonment or asset forfeiture. This interpretive redirection reflects a dynamic process in which the ethical foundations of the Qur'an are preserved, while its punitive expressions are adapted to ensure justice in contemporary governance—a clear manifestation of the Living Qur'an in legal thought.²⁰

¹⁹ Lukmanul Hakim and Aisyah Karnila Nady Putri, 'Implementation of the Halal Product Guarantee Law in Indonesia by the Department of Industry and Trade Cooperatives of Bima City', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 22.1 (2022), pp. 133–44, doi:10.19109/nurani.v22i1.11099.

²⁰ Mansyuroh.

In contrast, the ethnographic study by Muhibbuthabary et al. provides an empirical account of the implementation of public caning in Aceh under Qanun Jināyat No. 6/2014. Drawing on field observations and interviews, the study highlights how logistical burdens—such as organizing gender-separated, medically cleared, and publicly staged lashings—strain local governments both administratively and financially. More significantly, the study shows that public perception has evolved: caning, once meant to function as a moral deterrent, is increasingly seen as spectacle, undermining its ethical and educational impact. The gap between normative intention and social reception illustrates that legal enforcement without ethical resonance risks transforming Qur'anic injunctions into performative acts rather than meaningful guidance. In response, the authors propose recontextualizing the punishment by relocating lashings to private venues and reducing their public profile—aligning the application more closely with maqāṣid-oriented principles of dignity, deterrence, and community welfare.²¹

Taken together, these studies underscore that Qur'anic penal norms cannot be transplanted directly into contemporary legal systems without interpretive transformation and procedural accommodation. While economic norms are often institutionalized through functional structures and market logic, penal norms demand a deeper engagement with the moral spirit of the Qur'an and the lived experiences of Muslim communities. Mansyuroh's interpretive approach prioritizes justice over textual literalism, while Muhibbuthabary et al.'s fieldwork demonstrates how implementation must evolve in tandem with public ethics and administrative feasibility. In this sense, penal legislation in Indonesia becomes a site of continuous negotiation—where the Qur'an does not simply dictate punishment, but invites a reflective and context-sensitive legal process. The Living Qur'an is not realized through mechanical codification, but through interpretive fidelity, ethical judgment, and institutional wisdom. This model foregrounds the maqāṣid-oriented objective of protecting human dignity and social harmony, even as it remains grounded in the authority of divine text.

4. Dynamics of Family-Law Verses: Contextual Readings of Polygamy and Inheritance

The three articles grouped under family law address some of the most morally sensitive and socially debated Qur'anic provisions: polygamy (QS an-Nisā' 4:3, 4:129) and inheritance (QS an-Nisā' 4:11–12, 4:176). Unlike economic norms that benefit from institutional clarity or penal norms constrained by procedural complexity, these verses exist in a domain shaped by competing imperatives—scriptural fidelity, gender justice, and evolving family structures. The Living Qur'an approach becomes particularly evident here, as scholars seek to maintain the ethical spirit of the Qur'an while adapting its directives to shifting socio-legal realities.

Lira Erlina's doctrinal-exegetical analysis reconsiders the permissibility of polygamy through the lens of Ibn 'Āshūr's maqāṣid al-sharī'ah. While acknowledging the Qur'anic license to marry “two, three, or four” (QS 4:3), Erlina foregrounds QS 4:129, which cautions that full justice among wives is unattainable. She argues that this ethical limitation transforms polygamy from a normative ideal into a situational allowance—intended for

²¹ Muhibbuthabary and others.

exceptional circumstances such as the care of widows or orphans. Indonesian law appears to have internalized this understanding: the 1974 Marriage Law and the Compilation of Islamic Law (KHI) require court approval, the first wife's consent, and evidence of financial capacity. These legal safeguards reflect not only institutional prudence but also an interpretive strategy that enacts the ethical core of the Qur'an—justice, responsibility, and protection of vulnerable parties.²²

Meanwhile, Huda and Hidayati apply Muḥammad Shaḥrūr's ḥudūd theory to reevaluate inheritance shares. While the Qur'an stipulates a general 2:1 male-female ratio (QS 4:11, 4:176), Shaḥrūr contends that these proportions represent minimum and maximum boundaries rather than fixed rules. This view allows for reinterpretation in light of evolving economic roles and gender dynamics. Their maqāṣid-oriented reading centers not on numerical parity but on fairness and responsibility, aligning with contemporary legal reasoning that prioritizes family welfare and individual dignity. Indonesian courts have occasionally reflected this flexibility, recognizing negotiated or near-equal shares in cases involving working daughters or single mothers.²³

Both studies exemplify a dynamic hermeneutic that treats family-law verses not as static legal codes but as living guidance (*ḥayy al-hukm*), meant to be revisited in light of changing social conditions. This is the essence of the Living Qur'an—where meaning is not exhausted by the text alone, but continually cultivated through reflective human engagement. Judicial discretion, scholarly exegesis, and evolving family ethics together constitute the mechanisms by which these verses find renewed relevance in contemporary Indonesia. Thus, family law becomes a vital terrain for actualizing Qur'anic ethics within pluralistic legal contexts. Rather than simply enforcing premodern formulations, Indonesian legislation increasingly embodies Qur'anic values through contextual judgment, procedural equity, and maqāṣid-based interpretation. In this integrative model, the Qur'an speaks not only through its words but through the social practices, legal innovations, and ethical deliberations it inspires.

5. Integrative Patterns of Qur'anic Norms in Indonesian Legislation

A comparative reading of the three legal domains—economic, criminal, and family law—reveals a recurring but differentiated pattern in the integration of Qur'anic norms into Indonesia's legislative and institutional landscape. Rather than functioning as fixed legal codes awaiting transplantation, the verses examined in this review exhibit dynamic trajectories, shaped by doctrinal negotiation, administrative pragmatism, and ethical responsiveness. This evolving pattern reflects the core sensibilities of the Living Qur'an approach, where scripture unfolds its meaning through engagement with context, community, and evolving institutional realities.²⁴

²² Lira Erlina, 'Poligami Dalam Al-Quran Dan Konsep Maqashid Syari'ah Ibnu 'Asyur', *ZAD AL-Mufasssirin*, 1.1 (2019), pp. 78–102, doi:10.55759/zam.v1i1.4.

²³ Miftahul Huda and Tri Wahyu Hidayati, 'The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation', *El-Usrah: Jurnal Hukum Keluarga*, 6.2 (2023), p. 262, doi:10.22373/ujhk.v6i2.18121.

²⁴ Heddy Shri Ahimsa-Putra, 'The Living Al-Qur'an: Beberapa Perspektif Antropologi', *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 20.1 (2012), p. 235, doi:10.21580/ws.20.1.198; Muhammad Esa

In the economic domain, norms related to zakat, riba, and halal certification demonstrate the smoothest integration into statutory law. This is not merely due to textual clarity, but because these values align with practical goals—poverty alleviation, financial stability, and consumer trust—that resonate across ideological lines. Laws such as No. 23/2011 on zakat, No. 21/2008 on Islamic banking, and No. 33/2014 on halal product assurance each reflect a high degree of institutional support, doctrinal consensus, and regulatory feasibility. This trajectory supports previous research suggesting that economic norms in Islamic law are more readily institutionalized due to their compatibility with development agendas and inclusive moral frameworks.²⁵ The Qur'anic spirit of distributive justice and ethical commerce thus finds a robust legal form—not through literalism, but through adaptive policymaking that embodies Qur'anic values.

Criminal law, by contrast, illustrates the limits of textual codification in the absence of procedural and ethical consonance. Verses such as QS al-Mā'idah:38 (amputation) and QS an-Nūr:2 (lashing) are doctrinally unambiguous, yet their implementation is hindered by hermeneutic filtering and operational constraints. The Aceh case demonstrates how public caning, though symbolically potent, encounters logistical fatigue and shifting public reception, weakening its intended moral function. Meanwhile, reinterpretations such as Mansyuroh's reclassification of hand-amputation under ta'zīr show how literal applications give way to more context-sensitive ethical reasoning. This aligns with An-Na'im's²⁶ argument that Islamic criminal law must be reinterpreted within the ethical and constitutional frameworks of modern plural societies to ensure both legitimacy and justice. Here, the Qur'an lives not through replication of form, but through moral deliberation on justice, proportionality, and institutional readiness.

Family law occupies a middle position, serving as a space of negotiated adaptation. Polygamy and inheritance are not abolished but reinterpreted, with maqāṣid al-sharī'ah and hermeneutic theories (like Shahrūr's ḥudūd) guiding flexible applications. Court practices and scholarly discourse reflect growing openness to contextual readings—balancing scriptural authority with constitutional commitments to gender equity and family welfare. This interpretive trend parallels the gender-ethical hermeneutics proposed by scholars such as Barlas²⁷ and Mir-Hosseini²⁸, who advocate for Qur'anic readings that foreground justice and equality in evolving family systems. This domain, more than others, exemplifies the

Prasastia A, 'Living Quran Study (a New Approach in the Development of Quranic Tafsisir)', *Eduvest - Journal Of Universal Studies*, 1.1 (2021), doi:10.36418/edv.v1i1.255.

²⁵ Haithem Kader, 'Human Well-Being, Morality and the Economy: An Islamic Perspective', *Islamic Economic Studies*, 28.2 (2021), pp. 102–23, doi:10.1108/IES-07-2020-0026; Burhanudin Harahap, Tastaftiyan Risfandy, and Inas Nurfadia Putri, 'Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review', *Sustainability*, 15.8 (2023), p. 6626, doi:10.3390/su15086626.

²⁶ A A An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2010).

²⁷ Asma Barlas, *Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (University of Texas Press, 2002).

²⁸ Ziba Mir-Hosseini and others, *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws*, 2022; L Larsen and others, *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition* (Bloomsbury Publishing, 2013).

Living Qur'an model: the sacred text speaks most powerfully when its values are enacted through reasoned, equitable, and compassionate governance.

Across these domains, Qur'anic legislation in Indonesia does not follow a single trajectory but unfolds through layered integration. Success depends not solely on textual fidelity, but on the interplay of (1) interpretive consensus among religious scholars, (2) the capacity of institutions to operationalize norms, and (3) the convergence of legal goals with social and political incentives. When these align—as in halal regulation—implementation is both functional and legitimate. When they diverge—as in penal enforcement—the result is often symbolic codification with limited practical effect. This review thus affirms that Indonesia's experience with Qur'anic law is best understood as a process of lived negotiation—textually grounded, ethically motivated, and socially embedded. The Qur'an, in this view, is not simply legislated; it is actualized. Its authority emerges not only from divine origin but from its capacity to guide plural societies through layered engagement, thoughtful reform, and institutional innovation. This model offers valuable insight for future Qur'an-based policies in areas such as climate justice, digital ethics, or biomedical law—domains where moral clarity must be matched by systemic coherence and communal relevance.

C. Conclusion

This review has explored how Qur'anic legal norms (*ayat al-aḥkām*) are not merely codified but actively interpreted and negotiated within Indonesia's evolving legal system. Drawing on nine peer-reviewed articles spanning the domains of economic, criminal, and family law, the study reveals that the Qur'an functions not as a fixed legal script, but as a living ethical source—its verses activated through institutional capacity, contextual reasoning, and collective moral discourse. Economic law exhibits the most structured uptake of Qur'anic principles, particularly in the codification of zakat, prohibition of *riba*, and halal product regulation. This success reflects the alignment of scriptural values with institutional frameworks, policy incentives, and broad public support. Criminal law, however, demonstrates that the path from revelation to implementation is far less linear. Verses related to amputation and public lashing face interpretive reclassification or procedural constraints, revealing how symbolic power must often yield to pragmatic considerations of justice and human rights. Family law represents a mediating space where enduring principles such as polygamy and inheritance are reinterpreted through *maqāṣid*-based hermeneutics and integrated into state regulation via procedural safeguards.

Across all domains, the study affirms that Qur'anic legal norms are not simply transplanted into legislation but are *lived through negotiation*—where doctrinal consensus, institutional design, and societal readiness converge to determine applicability. This confirms Indonesia's model of “negotiated pluralism” and affirms the viability of a Living Qur'an approach: one that values scripture not only for its textual authority but for its capacity to guide ethical reform within complex, plural societies. Looking forward, the successful legislation of Qur'anic norms—whether in digital finance, environmental protection, or bioethics—will require not just textual reference but also interpretive literacy, institutional stewardship, and civic resonance. As this review shows, the Qur'an continues

to shape law in Indonesia not by commanding uniformity, but by inviting deliberation, adaptation, and lived ethical commitment.

References

- Abdillah, Masykuri, 'Islam and Democracy: The Case of the Early Reform Era', *JURNAL INDO-ISLAMIKA*, 14.2 (2024), pp. 357–76, doi:10.15408/JIL.V14I2.43764
- Ahimsa-Putra, Heddy Shri, 'The Living Al-Qur'an: Beberapa Perspektif Antropologi', *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 20.1 (2012), p. 235, doi:10.21580/ws.20.1.198
- Ainun Najib, 'Legislasi Hukum Islam Dalam Sistem Hukum Nasional', *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 4.2 (2020), pp. 116–26, doi:10.35316/istidlal.v4i2.267
- An-Na'im, A A, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2010)
- Arifianto, Alexander R., 'Rising Islamism and the Struggle for Islamic Authority in Post-Reformasi Indonesia', *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 8.1 (2020), pp. 37–50, doi:10.1017/trn.2019.10
- Badruddin, Badruddin, and Aditya Prastian Supriyadi, 'Dinamika Hukum Islam Indonesia : Reaktualisasi Norma Islam Dalam Menalarkan Hukum Positif Merespon Sosio-Kultural Era Kontemporer', *De Jure: Jurnal Hukum Dan Syar'iah*, 14.1 (2022), pp. 38–57, doi:10.18860/j-fsh.v14i1.15512
- Barlas, Asma, *Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (University of Texas Press, 2002)
- Erlina, Lira, 'Poligami Dalam Al-Quran Dan Konsep Maqashid Syari'ah Ibnu 'Asyur', *ZAD Al-Mufassirin*, 1.1 (2019), pp. 78–102, doi:10.55759/zam.v1i1.4
- Hakim, Budi Rahmat, 'ANALISIS TERHADAP UNDANG-UNDANG NOMOR 23 TAHUN 2011 TENTANG PENGELOLAAN ZAKAT (PERSPEKTIF HUKUM ISLAM)', *Syariah Jurnal Hukum Dan Pemikiran*, 15.2 (2016), doi:10.18592/syariah.v15i2.552
- Hakim, Lukmanul, and Aisyah Karnila Nady Putri, 'Implementation of the Halal Product Guarantee Law in Indonesia by the Department of Industry and Trade Cooperatives of Bima City', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 22.1 (2022), pp. 133–44, doi:10.19109/nurani.v22i1.11099
- Handayani, Rossi, 'Berapa Jumlah Ayat-Ayat Hukum Dalam Alquran?', *Republika Online*, 2021 <https://islamdigest.republika.co.id/berita/qp70yu320/berapa-jumlah-ayatayat-hukum-dalam-alquran?utm_source=chatgpt.com>
- Hanum, Cholida, 'Perda Syariah Perspektif Ketatanegaraan Dan Siyasah Dusturiyyah', *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 4.2 (2019), doi:10.22515/alahkam.v4i2.1530
- Harahap, Burhanudin, Tastaftiyan Risfandy, and Inas Nurfadia Futri, 'Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review', *Sustainability*, 15.8 (2023), p. 6626, doi:10.3390/su15086626
- Hasyim, Muh. Fathoni, *Tafsir Ayat-Ayat Ahkam-Pidana* (Kanzum Books, 2020)

- Huda, Miftahul, and Tri Wahyu Hidayati, 'The Concept of Muḥammad Shahrūr on Gender Parity in Inheritance Legislation', *El-Usrah: Jurnal Hukum Keluarga*, 6.2 (2023), p. 262, doi:10.22373/ujhk.v6i2.18121
- Ince Aprianti, St. Hadijah Wahid, and Resky Wahyuni, 'IMPLEMENTASI HUKUM ISLAM DALAM KEPUTUSAN PENGADILAN AGAMA DALAM KONTEKS SOSIAL BUDAYA', *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam*, 6.1 (2024), pp. 69–81, doi:10.47435/al-ahkam.v6i1.2451
- Kader, Haithem, 'Human Well-Being, Morality and the Economy: An Islamic Perspective', *Islamic Economic Studies*, 28.2 (2021), pp. 102–23, doi:10.1108/IES-07-2020-0026
- Khodijah, Siti, 'Hukum Potong Tangan Dan Pemberlakuannya Di Indonesia' (UIN Syarif Hidayatullah, 2015) <<https://repository.uinjkt.ac.id/dspace/handle/123456789/30251>>
- KonsultasiSyariah, 'Ayat-Ayat Hukum Dalam Al-Quran - KonsultasiSyariah.In', *KonsultasiSyariah.In*, 2016 <<https://www.konsultasisyariah.in/2016/07/ayat-ayat-hukum-dalam-al-quran.html>>
- Larsen, L, Z Mir-Hosseini, C Moe, and K Vogt, *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition* (Bloomsbury Publishing, 2013)
- Lavan, Yohana Oktaviani, 'IMPLEMENTATION OF ISLAMIC VALUES IN INDONESIAN POLITICAL DYNAMICS', *Intelegensia : Jurnal Pendidikan Islam*, 9.1 (2021), pp. 53–66, doi:10.34001/intelegensia.v9i1.2042
- Mansyuroh, Firqah Annajiyah, 'Hukum Potong Tangan Bagi Koruptor (Kajian Ahkam Surah Al-Maidah Ayat 38)', *Dialogia*, 17.1 (2019), pp. 41–60, doi:10.21154/dialogia.v17i1.1407
- Mappasessu, Mappasessu, *Rekonstruksi Metodologi Instinbat Hukum Terhadap Hukum Kewarisan Di Indonesia* (PT. Mafy Media Literasi Indonesia, 2025)
- Mikail, Kiki, and Jeniwaty Moh Jody, 'Evolving Dynamics of Civil Islam in Post-Reformation Indonesia: Balancing Democratic Aspirations and State Authority', *MUHARRIK: Jurnal Dakwah Dan Sosial*, 7.1 (2024), pp. 123–31, doi:10.37680/muharrik.v7i1.6132
- Mir-Hosseini, Ziba, Mulki Al-Sharmani, Jana Rumminger, and Sarah Marsso, *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws*, 2022
- Muhibbuthabary, Taslim HM Yasin, Saifuddin A. Rasyid, Rahmad Syah Putra, Nurrauzhah Fitria, and Rahmat Kurniawan, 'The Implementation of The Caning Law in Aceh Following The Enactment of The Aceh Qanun Number 6 Of 2014 Concerning The Jinayat Law: Is It More Effective?', *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH*, 8.2 (2023), doi:10.22373/petita.v8i2.210
- Page, Matthew J, Joanne E McKenzie, Patrick M Bossuyt, Isabelle Boutron, Tammy C Hoffmann, Cynthia D Mulrow, and others, 'The PRISMA 2020 Statement: An Updated Guideline for Reporting Systematic Reviews', *BMJ*, 2021, p. n71, doi:10.1136/bmj.n71
- Pati, Debajyoti, and Lesa N. Lorusso, 'How to Write a Systematic Review of the Literature', *HERD: Health Environments Research & Design Journal*, 11.1 (2018), pp. 15–30, doi:10.1177/1937586717747384
- Petticrew, Mark, and Helen Roberts, *Systematic Reviews in the Social Sciences: A Practical Guide* (Blackwell Publishing, 2006)

- Prasastia A, Muhammad Esa, 'Living Quran Study (a New Approach in the Development of Quranic Tafsir)', *Eduvest - Journal Of Universal Studies*, 1.1 (2021), doi:10.36418/edv.v1i1.255
- Rukoyah, Andriani Fitri, and Diyan Putri Ayu, 'Implementasi UU Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Pada Produk Makanan Industri Kecil Menengah Di Desa Ploso Kabupaten Pacitan', *Journal of Sharia Economic Law*, 1.1 (2023), pp. 43–52, doi:10.37680/jshel.v1i1.2324
- Shafra, Shafra, Mauliddin Mauliddin, Nur Azizah Azizah, Elfiani Elfiani, and Elkhairati Elkhairati, 'Restricting Unregistered Polygamy: Protecting Women's Rights within the Framework of Maqasid Shariah', in *ICSIS Proceedings* (Doctoral Programme in Sharia Science in Islamic Law at State Islamic University Sjech M. Djamil Djambek Bukittinggi, 2024) <<https://icsisproceedings.org/index.php/icsis/article/view/10>>
- Siregar, Hasnil Basri, 'Islamic Law in a National Legal System: A Study on the Implementation of Shari'ah in Aceh, Indonesia', *Asian Journal of Comparative Law*, 3 (2008), doi:10.1017/s2194607800000156
- Susetyo, Heru, Farida Prihatini, Iffah Karimah, and Ahmad Khozi, 'Regulating Halal Products in Indonesia: Between Religious Needs and Socio-Economic Challenges', *Mazahib*, 2019, pp. 1–43, doi:10.21093/mj.v18i1.1372
- Syafril, 'Tafsir Ahkam Dan Sejarah Perkembangannya', *Syahadah*, 10.1 (2022), pp. 1–33 <<https://ejournal.fiaiunisi.ac.id/index.php/syahadah/article/view/551>>
- Utriza, Ayang, 'The Implementation of Sharia in Aceh as Based on the Code Extant in the Sultanate of Aceh from 1516-1688', *Studia Islamika: Indonesian Journal for Islamic Studies*, 14.3 (2007)
- Yusuf, Muhammad Yasir, 'Dinamika Fatwa Bunga Bank Di Indonesia: Kajian Terhadap Fatwa MUI, Muhammadiyah Dan Nahdhatul Ulama', *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, 14.2 (2012), p. 151, doi:10.22373/jms.v14i2.1872